HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No.18357 of 2007

Date: 30-08-2007.

Between :

M/s.Hindusthan Zinc Limited, Visakhapatnam,
Rep. by its Sr.Manager-Finance.

.....Petitioner

And

The Assistant Commissioner (CT), Visakhapatnam &
another.

.....Respondents.

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ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

During the pendency of the first appeal, the stay has been refused by the authority concerned and the petitioner filed a writ petition and this Court passed an order granting stay on payment of 50% of the disputed tax. It is submitted by learned counsel for petitioner that the appeal has been decided, which is partly allowed, partly dismissed and partly remanded. The Second Appeal has now been filed. The petitioner cannot file an application for stay, as the stay in the first round, has been rejected by the authority concerned.

In this view of the matter, after hearing learned counsel for the parties, we direct that there shall be stay of recovery till the disposal of appeal, as the petitioner has already paid 50% of the disputed tax.

Writ petition is disposed of accordingly.

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BILAL NAZKI, J

30th August 2007.

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S. ANANDA REDDY, J

ajr